

Committee of the Whole House:  
House bills Nos. 25 and 19.

Agriculture: House bill No. 13.

The Committee on Revenue and  
Taxation filed an adverse report on  
House bill No. 38.

#### REPORTS OF THE COMMITTEE ON ENGROSSED BILLS.

Committee Room,  
Austin, Texas, August 5, 1931.

Hon. Fred H. Minor, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 30, A bill to be entitled  
"An Act creating a closed season on  
wild deer, buck, doe, and fawn, for a  
period of five years in the counties of  
Harrison, Marion, Red River, Bowie,  
Cass, Morris and Titus, in the State  
of Texas; making it unlawful for any  
person to hunt, trap, ensnare, kill or  
attempt to kill, by any means what-  
soever, any wild deer, buck, doe, or  
fawn, within said counties for a pe-  
riod of five years; providing a penal-  
ty therefor, and declaring an emer-  
gency,"

Have carefully compared same and  
find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,  
Austin, Texas, August 5, 1931.

Hon. Fred H. Minor, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 37, A bill to be entitled  
"An Act amending House bill No. 943,  
passed at the Regular Session of the  
Forty-second Legislature of the State  
of Texas, being Chapter 159, page  
311, of the Special Laws of the State  
of Texas; repealing all laws in con-  
flict with said act, and declaring an  
emergency,"

Have carefully compared same and  
find it correctly engrossed.

JUSTISS, Chairman.

#### THIRTEENTH DAY.

(Thursday, August 6, 1931.)

The House met at 9 o'clock a. m.,  
pursuant to adjournment, and was  
called to order by Speaker Minor.

The roll was called, and the follow-  
ing members were present:

Mr. Speaker. Adams of Jasper.  
Adams of Harris. Adamson.

Adkins.	Hubbard.
Akin.	Hughes.
Albritton.	Jackson.
Alsup.	Johnson
Anderson.	of Dallam.
Baker.	Johnson
Barron.	of Dimmit.
Beck.	Johnson of Morris.
Bedford.	Jones of Shelby.
Bond.	Jones of Atascosa.
Bounds.	Justiss.
Boyd.	Keller.
Brice.	Kennedy.
Brooks.	Laird.
Bryant.	Lee.
Burns of Walker.	Lemens.
Burns	Leonard.
of McCulloch.	Lilley.
Carpenter.	Lockhart.
Caven.	McCombs.
Claunch.	McDougald.
Coltrin.	McGill.
Cox of Lamar.	Magee.
Cox of Limestone.	Mathis.
Cunningham.	Mehl.
Daniel.	Metcalfe.
Davis.	Moffett.
DeWolfe.	Morse.
Dodd.	Munson.
Donnell.	Murphy.
Dowell.	Nicholson.
Dunlap.	Olsen.
Duvall.	O'Quinn.
Dwyer.	Patterson.
Elliott.	Petsch.
Engelhard.	Ramsey.
Farmer.	Ratliff.
Farrar.	Ray.
Ferguson.	Reader.
Finn.	Richardson.
Fisher.	Rogers.
Forbes.	Rountree.
Ford.	Sanders.
Fuchs.	Satterwhite.
Gilbert.	Savage.
Giles.	Scott.
Goodman.	Shelton.
Graves.	Sherrill.
Greathouse.	Smith of Wood.
Grogan.	Sparkman.
Hanson.	Stephens.
Hardy.	Steward.
Harman.	Strong.
Harrison	Sullivant.
of El Paso.	Tarwater.
Harrison	Terrell
of Waller.	of Cherokee.
Hatchitt.	Terrell
Hefley.	of Val Verde.
Herzik.	Towery.
Hill.	Turner.
Hines.	Van Zandt.
Holder.	Vaughan.
Holland.	Veatch.
Holloway.	Wagstaff.
Hoskins.	Walker.
Howsley.	Warwick.

Weinert.                      Wiggs.  
West of Coryell.      Wyatt.  
West of Cameron.      Young.  
Westbrook.

Absent.

Dale.                      Martin.  
Kayton.                  Pope.  
Lasseter.                Smith of Bastrop.  
Long.                    Stevenson.  
McGregor.

Absent—Excused.

Bradley.                  Moore.  
Coombes.

A quorum was announced present.  
Prayer was offered by the Rev.  
John W. Holt, Chaplain.

#### LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Coombes for today, on motion of Mr. Ferguson.

Mr. Dale for today, on motion of Mr. Jones of Atascosa.

Mr. Patterson for last Tuesday and Wednesday, on motion of Mr. Morse.

Mrs. Moore was granted leave of absence for today and indefinitely, on motion of Speaker Minor, on account of illness.

#### HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Holloway, Mr. Magee, and Mr. Caven:

H. B. No. 49, A bill to be entitled "An Act creating the One Hundred and Twenty-fourth Judicial District, to be constituted of Gregg county, Texas, only; fixing the time during which said court shall exist; providing for the terms thereof; providing that the clerk of the Seventy-first Judicial District Court of Gregg county, Texas, shall serve as clerk of said One Hundred and Twenty-fourth Judicial District; and providing for the duties of the district clerk of said One Hundred and Twenty-fourth Judicial District; and providing for the appointment of the judge thereof and his compensation; providing for the transfer of cases from the Seventy-

first Judicial District Court of Gregg county to said One Hundred and Twenty-fourth Judicial District Court and from said One Hundred and Twenty-fourth Judicial District Court to the Seventy-first Judicial District Court of Gregg county; and providing for the jurisdiction of said court; creating the office of criminal district attorney of the One Hundred and Twenty-fourth Judicial District of Texas; providing that the county attorney of Gregg county shall assume the duties of such office until the next general election; providing for the election of the criminal district attorney thereafter, prescribing his duties, tenure of office, compensation, qualifications, taking the official oath and giving bond; authorizing said criminal district attorney to appoint assistants, fixing their compensation, and providing for the payment of same out of the fees of office, and prescribing their duties, etc., and declaring an emergency."

Referred to Committee on Judicial Districts.

By Mr. Johnson of Morris, and Mr. Stephens:

H. B. No. 50, A bill to be entitled "An Act to provide free tuition for all pupils over six years of age and not over twenty-one years of age in certain school districts; to provide for length of free term to be allowed transferred pupils; to provide for part time schools, continuation schools and evening schools for the purpose of the better education of adults, to define the meaning of high school grades, repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Education.

By Mr. Nicholson and Mr. McDougald.

H. B. No. 51, A bill to be entitled "An Act validating and legalizing the authorization of bonds, issued by or on behalf of any county, city, district, or political subdivision of this State for the construction of sea-walls; validating the levy and assessment of ad valorem taxes in payment thereof; validating the manner of holding the election, canvassing the returns and declaring the result of such election, and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

By Mr. Ratliff and Mr. Johnson of Dimmit:

H. B. No. 52, A bill to be entitled "An Act to amend Article 2253, Chapter 12, Title 42, of the Revised Civil Statutes of Texas, 1925, fixing the time for giving notice of appeal and filing of an appeal bond or affidavit in lieu thereof, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. McGregor, Mr. Giles, and Mr. Graves:

H. B. No. 53, A bill to be entitled "An Act to amend Chapter 172 of the Forty-first Legislature, passed at its Regular Session; to create the One Hundred and Twenty-sixth Judicial District of Texas; to fix and define the jurisdiction of the Fifty-third District Court, the Ninety-eighth District Court and One Hundred and Twenty-sixth District Court, to fix the terms of said district courts; to provide for grand and petit juries in each of said district courts, for a clerk and for a district attorney for said district courts, for continuance in office of the respective judges of the Fifty-third and Ninety-eighth District Courts; to provide for the appointment and election of a judge for the One Hundred and Twenty-sixth District Court, for appointment of court reporters by the judges of each of said courts, etc., and declaring an emergency."

Referred to Committee on Judicial Districts.

#### BILLS ORDERED PRINTED IN MIMEOGRAPH FORM.

On motion of Mr. Johnson of Dimmit, House bill No. 47 was ordered printed in mimeograph form and not otherwise printed.

On motion of Mr. Savage, House bill No. 48 was ordered printed in mimeograph form and not otherwise printed.

On motion of Mr. Engelhard, House bill No. 13 was ordered printed in mimeograph form and not otherwise printed.

#### BILL ORDERED PRINTED.

Mr. Sanders moved that House bill No. 38, reported adversely with a minority favorable report, be printed.

Mr. Gilbert moved to table the motion.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—48.

Adams of Harris.	Hill.
Adams of Jasper.	Hoskins.
Adamson.	Hughes.
Adkins.	Johnson
Albritton.	of Dallam.
Anderson.	Justiss.
Beck.	Keller.
Bounds.	McDougald.
Cunningham.	Mathis.
Davis.	Mehl.
Dowell.	Metcalfe.
Duvall.	Moffett.
Elliott.	Morse.
Finn.	Munson.
Forbes.	Nicholson.
Fuchs.	Ratliff.
Gilbert.	Sherrill.
Greathouse.	Steward.
Grogan.	Tarwater.
Hardy.	Terrell
Harrison	of Val Verde.
of El Paso.	Turner.
Harrison	Walker.
of Waller.	Weinert.
Hefley.	West of Cameron.
Herzik.	Young.

Nays—72.

Alsup.	Johnson
Baker.	of Dimmit.
Bedford.	Johnson of Morris.
Boyd.	Jones of Shelby.
Brice.	Jones of Atascosa.
Brooks.	Kennedy.
Bryant.	Laird.
Burns of Walker.	Lee.
Burns	Lemens.
of McCulloch.	Leonard.
Carpenter.	Lilley.
Caven.	Lockhart.
Claunch.	McGill.
Coltrin.	Magee.
Cox of Lamar.	Murphy.
Cox of Limestone.	Olsen.
Daniel.	Petsch.
DeWolfe.	Ray.
Dodd.	Reader.
Dwyer.	Richardson.
Englehard.	Rogers.
Farmer.	Rountree.
Farrar.	Sanders.
Ferguson.	Satterwhite.
Fisher.	Savage.
Ford.	Scott.
Goodman.	Shelton.
Graves.	Smith of Wood.
Hanson.	Sparkman.
Hines.	Stephens.
Holland.	Strong.
Holloway.	Terrell
Jackson.	of Cherokee.

Towery.  
Vaughan.  
Veatch.  
Wagstaff.  
Warwick.

West of Coryell.  
Westbrook.  
Wiggs.  
Wyatt.

Absent.

Akin.  
Barron.  
Bond.  
Dale.  
Donnell.  
Dunlap.  
Giles.  
Hatchitt.  
Harman.  
Holder.  
Howsley.  
Hubbard.  
Kayton.

Lasseter.  
Long.  
McCombs.  
McGregor.  
Martin.  
O'Quinn.  
Patterson.  
Pope.  
Ramsey.  
Smith of Bastrop.  
Stevenson.  
Sullivant.  
Van Zandt.

Absent—Excused.

Bradley.  
Coombes.

Moore.

Question then recurring on the motion to print the bill, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—74.

Alsup.  
Baker.  
Bedford.  
Bounds.  
Boyd.  
Brice.  
Brooks.  
Bryant.  
Burns of Walker.  
Carpenter.  
Caven.  
Claunch.  
Coltrin.  
Cox of Lamar.  
Cox of Limestone.  
Daniel.  
Dodd.  
Dwyer.  
Engelhard.  
Farmer.  
Farrar.  
Ferguson.  
Fisher.  
Ford.  
Fuchs.  
Goodman.  
Graves.  
Hanson.  
Hines.  
Holland.  
Holloway.  
Jackson.  
Johnson  
of Dimmit.

Johnson of Morris.  
Jones of Shelby.  
Jones of Atascosa.  
Kennedy.  
Laird.  
Lee.  
Lemens.  
Lilley.  
Lockhart.  
McGill.  
Magee.  
Murphy.  
Olsen.  
Petsch.  
Ramsey.  
Ray.  
Reader.  
Richardson.  
Rogers.  
Rountree.  
Sanders.  
Satterwhite.  
Savage.  
Scott.  
Shelton.  
Smith of Wood.  
Sparkman.  
Stephens.  
Strong.  
Terrell  
of Cherokee.  
Towery.  
Turner.  
Vaughan.

Veatch.  
Wagstaff.  
Warwick.  
West of Coryell.

West of Cameron.  
Westbrook.  
Wiggs.  
Wyatt.

Nays—43.

Adams of Harris.  
Adams of Jasper.  
Adamson.  
Adkins.  
Albritton.  
Anderson.  
Beck.  
Burns  
of McCulloch.  
Cunningham.  
Davis.  
DeWolfe.  
Elliott.  
Finn.  
Forbes.  
Gilbert.  
Greathouse.  
Grogan.  
Hardy.  
Harrison  
of El Paso.  
Harrison  
of Waller.  
Hefley.

Herzik.  
Hill.  
Hoskins.  
Hughes.  
Johnson  
of Dallam.  
Keller.  
McDougald.  
Mathis.  
Mehl.  
Metcalf.  
Moffett.  
Morse.  
Munson.  
Nicholson.  
Ratliff.  
Sherrill.  
Steward.  
Tarwater.  
Terrell  
of Val Verde.  
Walker.  
Weinert.  
Young.

Absent.

Akin.  
Barron.  
Bond.  
Dale.  
Donnell.  
Dowell.  
Dunlap.  
Duvall.  
Giles.  
Harman.  
Hatchitt.  
Holder.  
Howsley.  
Hubbard.  
Justiss.

Kayton.  
Lasseter.  
Leonard.  
Long.  
McCombs.  
McGregor.  
Martin.  
O'Quinn.  
Patterson.  
Pope.  
Smith of Bastrop.  
Stevenson.  
Sullivant.  
Van Zandt.

Absent—Excused.

Bradley.  
Coombes.

Moore.

#### COMMUNICATION FROM THE ATTORNEY GENERAL'S DEPARTMENT.

The Speaker laid before the House and had read the following communication:

Office of the Attorney General.  
Austin, Texas.

August 5, 1931.

Hon. Fred H. Minor, Speaker of the  
House of Representatives, Capitol,  
Austin, Texas.

Dear Mr. Speaker: In your letter

of August 5th you request the opinion of this department concerning the constitutional limits imposed upon the Legislature in the enactment of legislation in pursuance of the Governor's message of August 3, 1931.

You quote from the Governor's message as follows:

"The revenues of this State have been seriously depleted because of the low price of oil, since our production tax is based on 2 per cent of the value of the oil produced. Unless the Legislature takes some necessary steps, it will result in a very much lower income to the State from this source than in years gone by. I think that you should amend this law to provide that there should be levied a tax of 2 cents per barrel on crude oil, which would bring in the same as the present production of 2 per cent on oil at \$1 per barrel.

"I am attaching hereto a proposed bill which I feel, if enacted, would bring about the desired condition of the finances of this State."

You further state that the bill referred to in the message is House bill No. 38, the caption of which reads as follows:

"An Act to amend Article 7071, Chapter 2, Title 122, of the 1925 Revised Civil Statutes of Texas relating to an occupation tax on the producers of oil, and declaring an emergency."

The specific questions presented in your letter follow:

"Other tax measures are being introduced in the House of Representatives, and I am writing this inquiry for the purpose of obtaining the opinion of your department as to whether or not the Governor's message above herein set out, and the bill accompanying it opens up the submission of taxation so as to permit the introduction and consideration of other tax bills, and if so, within what bounds, and to further inquire whether, in your opinion, in the event you should determine that it does permit the consideration of other tax measures, whether this would include the right to consider a bill repealing a tax law."

The answer to your question must depend upon a construction of the language employed by the Governor in his message, taken in connection with the provisions of Section 40, Article 3, and Section 8 of Article 4, Consti-

tution of Texas. The first constitutional provision reads as follows:

"Section 40. When the Legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session, or presented to them by the Governor; and no such session shall be of longer duration than thirty days."

Not only is the Legislature limited in the subjects it may consider by the section above quoted, but it is the constitutional duty of the Governor to be specific in submitting subjects at special sessions of the Legislature. Section 8 of Article 4 requires:

"The Governor may, on extraordinary occasions, convene the Legislature at the seat of government \* \* \* his proclamation therefor shall state specifically the purpose for which the Legislature is convened."

You will observe the Constitution requires a specific designation of the subject. The Governor, by virtue of these provisions, is authorized to limit the subject of legislation to any field his choice of words may circumscribe. His use of words may be of such a general and broad significance as to embrace an indefinite number of related subjects, and on the other hand, they may limit consideration to a single one of such related subjects. As the term is used in the Constitution, I believe the word "subject" is intended to specify, signify or characterize the thing or idea which is proposed for legislative consideration by the Governor in his call or subsequent messages to the Legislature.

What is the thing or idea specified in the Governor's message which is quoted in your letter? The first statement is that the revenues of the State have been depleted because of the low price of oil, due to the fact that the present production tax is levied on a basis of the value of oil produced, rather than upon a basis of the quantity produced. He proposes this idea or proposition in substance to the Legislature for legislative enactment: "Change the basis of taxation on oil so that revenues therefrom may be increased." The thing specified is oil. The idea, as stated, is to change the manner of its taxation.

It is my opinion, therefore, that under the Governor's message, the

only "thing" which may be considered for taxation is "oil." How the same shall be taxed and to what extent is within the exclusive province of the Legislature. The Governor may state the subject, but he cannot prescribe methods of treating same. The whole field of the taxation of oil is properly before the Legislature, and it is authorized to enact any revenue measure in respect to oil it may deem advisable.

Had the Governor intended to open up the whole field of taxation, he could have employed general terms. It has been held in this State that a call "to reduce the taxes, both ad valorem and occupation" embraced the whole subject of taxation. *Baldwin v. State*, 3 S. W. 109. No such all-embracing terms are used by the Governor in his message. A special session called to make appropriations and to apportion the State into Senatorial and Representative districts is not authorized or empowered to enact laws regulating elections. *Ex parte Walters*, 144 S. W. 531.

It has been long established in this State that the Legislature may only enact legislation which is reasonably related to the subject which is submitted by the Governor. Any measure which bears a reasonable relation to increasing the revenue of the State by imposing a different kind of tax on oil than that now fixed by law may be properly considered. It may consider less than that suggested by him, but cannot, in view of these constitutional inhibitions, go beyond the limits fixed by the Chief Executive. The Legislature may, in addition thereto, enact such measures as are necessarily incident to carrying out or making effective any act adopted by it in the taxation of oil. *Brown v. State*, 22 S. W. 601.

For these reasons, I conclude that the only tax measures which may be considered by the Legislature are those relating to oil.

You ask whether the Legislature may consider a bill relating to the repeal of an existing law. The same reasons and authorities supporting my first conclusion require me to answer this question in the negative. The repeal of tax measures relating to other subjects than oil has not been submitted by the Governor. Any tax measure which exacts a tax or revenue from oil may be repealed if it be

done in relation of another measure which is designed to increase the State's revenue therefrom.

In conclusion, permit me to observe that the Governor, under the Constitution, may submit any other subjects for taxation, or the whole field of taxation, if he deems it proper or expedient.

Very truly yours,  
ELBERT HOOPER,  
Assistant Attorney General.

#### EXPRESSING APPRECIATION TO THE HON. LEONARD TIL- LOTSON.

Mrs. Rountree offered the following resolution:

H. C. R. No. 10, Expressing appreciation to the Hon. Leonard Tillotson.

Whereas, Hon. Leonard Tillotson of Sealy, Texas, was a member of the Thirty-first, Thirty-third, Thirty-fourth, Thirty-fifth, Thirty-sixth, Thirty-ninth, Fortieth and Forty-first Legislatures of the State of Texas, and in a constructive way identified himself with many of the most important questions of the day, and particularly did his vision, study, industry and tireless energy distinguish him as the able leader in bringing about the realization of the need and importance of the present and future generations of Texas of the conservation of the natural resources of the State from waste. He was one of the authors of the constitutional amendment which is now Section 59, Article 16, of the Constitution of Texas, and which authorizes the enactment of laws providing for the conservation of all natural resources, and which constitutional provision is the provision of this Special Session of the Forty-second Legislature. He was at all times active in the conservation of soil from waste by erosion, and wrote and sponsored and secured the passage by the Second Called Session of the Forty-first Legislature of House bill No. 197, Chapter 13, of Acts of said Legislature, known as the Brazos River Reclamation District, the only conservation project of its kind in Texas, and probably in the world, and which is now functioning toward the end of greater conservation of soil and water.

Whereas, He is now continually and eagerly giving his constructive thought to the furthering of all conservation, but is now in Austin con-

fined with a lingering illness, and it would seem fitting that this, the Conservation Special Session of the Forty-second Legislature (being the only Special Session of the Legislature ever called solely and primarily for the purpose of conservation) express its appreciation for him and his work; now, therefore, be it

Resolved by the House of the First Called Session of the Forty-second Legislature of Texas, the Senate concurring, That in recognition of the ability, the integrity and the patriotic service to the State of Texas, both as a citizen and as a legislator, express to Hon. Leonard Tillotson our sincere appreciation for him and his accomplishments; that we recognize him as the leader in conservation thought and education, which has already accomplished great constructive good and which will continue in increasing as time goes on; be it further

Resolved, That we express our earnest hope for his speedy and permanent recovery, and that this resolution be printed in the Journal, and that he be tendered an authenticated copy hereof.

Signed—Mrs. Rountree, Johnson of Dimmit, Hubbard, Kennedy, Bounds, Brooks, Justiss, DeWolfe, Ray, Fuchs, Wiggs, Keller, McCombs, Finn, Tarwater, Nicholson, Warwick, Dunlap, Holland, Beck, Graves, Johnson of Dallam, Lemens, Holder, Goodman, Savage, Davis, Veatch, Albritton, McGill, Satterwhite, Farrar, Brice, Patterson, Westbrook, Sherrill, Coltrin, Reader, Young, Metcalfe, Turner, Petsch.

The resolution was read second time and was adopted unanimously.

#### RELATIVE TO THE USE IN AMERICA OF CERTAIN COMMODITIES FROM FOREIGN COUNTRIES.

The Speaker laid before the House, for consideration at this time, House concurrent resolution No. 1, relative to the use in America of certain commodities from foreign countries, the resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having filed a favorable report on the resolution.

(Mr. McGill in the chair.)

Mr. Mathis moved the previous question on the resolution, and the main question was ordered.

Question recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

#### Yeas—92.

Adamson.	Johnson
Akin.	of Dimmit.
Albritton.	Johnson of Morris.
Alsup.	Jones of Shelby.
Anderson.	Jones of Atascosa.
Baker.	Justiss.
Barron.	Keller.
Bedford.	Kennedy.
Bond.	Laird.
Bounds.	Lee.
Boyd.	Lemens.
Brice.	Lockhart.
Carpenter.	McCombs.
Caven.	McDougald.
Claunch.	McGregor.
Coltrin.	Magee.
Cox of Lamar.	Mathis.
Cox of Limestone.	Mehl.
Daniel.	Metcalfe.
Donnell.	Moffett.
Dowell.	Morse.
Dunlap.	Munson.
Duvall.	Olsen.
Dwyer.	Patterson.
Elliott.	Petsch.
Farrar.	Ratliff.
Ferguson.	Ray.
Finn.	Sanders.
Fisher.	Satterwhite.
Forbes.	Savage.
Gilbert.	Scott.
Giles.	Shelton.
Graves.	Sherrill.
Greathouse.	Smith of Wood.
Grogan.	Sparkman.
Harrison	Stephens.
of El Paso.	Steward.
Harrison	Strong.
of Waller.	Sullivant.
Hefley.	Terrell
Herzik.	of Val Verde.
Hill.	Towery.
Hines.	Turner.
Holder.	Veatch.
Holland.	Wagstaff.
Howsley.	Walker.
Hubbard.	West of Coryell.
Johnson	Wyatt.
of Dallam.	

#### Nays—23.

Adams of Harris.	Hatchitt.
Adkins.	Holloway.
Beck.	Hoskins.
Brooks.	Hughes.
Bryant.	Lilley.
Farmer.	Nicholson.
Ford.	Reader.
Goodman.	Richardson.
Hanson.	Rogers.

Tarwater.  
Van Zandt.  
Vaughan.

Warwick.  
Westbrook.

Present—Not Voting.

Wiggs.

Absent.

Adams of Jasper.	Leonard.
Burns of Walker.	Long.
Burns	Martin.
of McCulloch.	Murphy.
Cunningham.	O'Quinn.
Dale.	Pope.
Davis.	Ramsey.
DeWolfe.	Rountree.
Dodd.	Smith of Bastrop.
Engelhard.	Stevenson.
Fuchs.	Terrell
Hardy.	of Cherokee.
Harman.	Weinert.
Jackson.	West of Cameron.
Kayton.	Young.
Lasseter.	

Absent—Excused.

Bradley.	Moore.
Coombes.	

Reason for Vote.

I vote against House concurrent resolution No. 1 because I think if Russia is satisfied with their form of government, it does not concern me. A Christian nation should observe the Golden Rule in its relations to other nations.

BRYANT.

(Speaker in the chair.)

#### RELATIVE TO REHABILITATION OF THE OLD TRAVIS COUNTY COURTHOUSE.

The Speaker laid before the House, for consideration at this time, House concurrent resolution No. 9, relative to the rehabilitation of the old Travis county courthouse, the resolution having heretofore been read second time and referred to the Committee on Appropriations.

The Committee on Appropriations having filed a favorable report on the resolution.

Question recurring on the resolution, it was adopted.

#### IN COMMITTEE OF THE WHOLE HOUSE.

(Mr. Minor in the chair.)

On motion of Mr. Morse, the House, at 11 o'clock a. m., resolved itself into a Committee of the Whole

House for the purpose of considering bills relative to oil and gas conservation.

#### IN THE HOUSE.

(Mr. Minor in the chair.)

At 5 o'clock p. m., Mr. Minor, Chairman of the Committee of the Whole House, reported to the House that the Committee desired to rise, report progress, and ask leave to sit again at 9:30 o'clock a. m. tomorrow.

The following proceedings of the Committee of the Whole House were reported:

The Chairman laid before the Committee of the Whole House, for consideration by the Committee, the report of the subcommittee appointed to consider certain oil and gas conservation bills.

The report having been laid before the Committee of the Whole House for consideration on yesterday.

The subcommittee having recommended that the Committee of the Whole House consider House bill No. 26.

Mr. Wagstaff offered the amendment to House bill No. 26, which was recommended by the subcommittee.

Mr. Veatch moved that House bill No. 26 be reported back to the House with recommendation that it do not pass.

Mr. Morse moved that House bill No. 26 be reported back to the House with recommendation that it do pass with amendments.

Mr. Donnell offered the following amendment to the amendment by Mr. Wagstaff:

Amend Section 1 to read as follows:

"There is hereby created a Conservation and Utility Commission which shall consist of five members, each of whom shall be at least thirty years of age, three of whom shall be elected by the House and Senate in joint session and two be appointed by the Governor of the State of Texas by and with the advice and consent of the Senate. One of the members of the Commission to be appointed by the Governor shall be nominated by the oil and gas interests of the State; such nomination to be made by ballot, which ballots shall be mailed to and canvassed by the Secretary of State. Each oil and gas producer or operator of refineries or pipe lines



shall be entitled to one vote and one only. Any firm or corporation who is a producer and who also operates refineries and/or pipe lines shall be entitled to only one ballot. If any one candidate receives a majority of the votes of the oil and gas interest, such person shall be appointed as a member of the Commission by the Governor. If no majority vote is received, the Governor shall select one from the three candidates receiving the highest number of votes. Provided, that the three present members of the Railroad Commission, C. V. Terrell, Lon A. Smith and Pat M. Neff, shall serve as members of the Conservation and Utility Commission until the end of their respective terms to which they were elected or appointed. At the end of such terms of office, the Legislature, in joint session, shall either re-elect the member whose term expires, or elect his successor. The regular terms of office of the three members elected by the Legislature shall be for six years. The term of office of the member appointed by the Governor of his own selection shall be for six years. The term of office of the member nominated by the oil and gas interests shall be for two years only. Should any vacancy occur at any time in the membership of the Commission by reason of death or other cause, the Governor is hereby authorized to make appointment to fill out such unexpired term or terms, such appointments to be confirmed by the Senate at its next session.

"The said Conservation and Utility Commission shall administer all laws pertaining to the regulation of the railroads, common carrier busses, trucks, and oil and gas pipe lines, and all public utility firms and corporations, and in addition shall also have all the powers and duties now exercised by the Reclamation Engineer, the Board of Water Engineers and the State Mining Board, the State Parks Board, and also the enforcement of any laws now in effect, or that may, in the future, be enacted by any Legislature for the purpose of conserving our forests, or of reforesting our cut-over pine lands.

"The member of the Commission that is appointed by the Governor of his own selection shall be the chairman. The three members elected by the Legislature shall elect the vice-chairman."

Mr. Burns of Walker raised a point of order on further consideration of the amendment on the ground that the amendment would render the bill unconstitutional.

The Speaker sustained the point of order.

Mr. Barron offered the following amendments to the amendment:

(1)

Amend substitute for House bill No. 26 by adding the words "except such taxes as are now or hereafter may be collected for the maintenance of the Gas Utilities Division," immediately after the word "it" in line 4 on page 4 of the substitute bill.

(2)

Amend substitute for House bill No. 26 by inserting in line 14 of the caption after "1925" the words "relating to the conservation of oil and gas."

(3)

Amend substitute for House bill No. 26 by striking out the words "gas utilities" in line 19 of the caption.

(4)

Amend substitute for House bill No. 26 by inserting in line 1 on page 2 after the word "provided" the words "except such laws as now relate to the rights, powers and duties of the Gas Utilities Division of the Railroad Commission."

(5)

Amend substitute for House bill No. 26 by adding the words "as far as the same relate to the conservation of oil and gas" immediately following the figures "1925" in line 15, page 3.

(6)

Amend substitute for House bill No. 26 by striking out the words "gas utilities" in lines 19 and 20 on page 3 of the substitute bill.

BARRON,  
JOHNSON of Dimmit.

The amendments were severally adopted.

Mr. Terrell of Cherokee offered the following amendment to the amendment:

Amend House bill No. 26, page 3, line 8, by striking out the words and figures "\$7500" and insert in lieu thereof the words and figures "\$6000."

The amendment was adopted.

Mr. Moffett offered the following amendment to the amendment:

Amend substitute for House bill No. 26, page 2, line 4, by adding after the word "engineers" in said line the following: "the Game, Fish and Oyster Commission."

MOFFETT,  
METCALFE,  
ENGELHARD,  
ALSUP.

On motion of Mr. Keller, the amendment was tabled.

Mr. Wagstaff offered the following amendment to the amendment:

Amend House bill No. 26, page 4, by striking out in line 8 the words "one-fifth (1/5)" and substituting in lieu thereof the words "one-eighth (1/8)."

The amendment was adopted.

Mr. Leonard offered the following amendment to the amendment:

Amend committee substitute for House bill No. 26 by striking out on page 2, lines 3 and 4, the words "the Board of Water Engineers."

On motion of Mr. Metcalfe, the amendment was tabled.

(At 12 o'clock m. the Committee, by unanimous consent, agreed to stand at ease until 2 o'clock p. m. today.)

The Committee of the Whole House reconvened at 2 o'clock p. m., and was called to order by the Chairman.

The Committee having under consideration at the time, House bill No. 26, with amendment by Mr. Wagstaff, pending.

Mr. Lasseter offered the following amendments to the amendment:

(1)

Amend substitute for House bill No. 26, page 2, line 14, by adding after the word "age" the following:

"The members of the Commission created by this act shall be qualified voters under the Constitution and laws and resident citizens of this State. No member shall be directly or indirectly interested in any oil company, pipe line company or gas company engaged in the production, transportation, refining or marketing of petroleum or natural gas or any of the by-products of either of them; or should he become interested other than voluntarily, he shall within a reasonable time divest himself of such interest; failing to do this, his office shall become vacant.

"Said Conservation Commissioner shall hold no other office of any character while such Commissioner, nor engage in any occupation or business inconsistent with his duties as such Commissioner.

"Before entering into duties of this or his office he shall take the oath of any other official office of this State, as well as swearing to the above described interest in stocks, bonds, mortgages or securities and earnings as prescribed."

(2)

Amend substitute for House bill No. 26 by adding after the word "jurisdiction" in line 32 on page 3 the following: "and all legal advice received by the Commission shall be furnished by the Attorney General."

LASSETER,  
BARRON.

The amendments were severally adopted.

Mr. Terrell of Val Verde offered the following amendment to the amendment:

Amend substitute for House bill No. 26 by striking out line 2 down to the end of the sentence in line 10 on page 2.

The amendment was adopted.

Mr. Jones of Atascosa offered the following amendment to the amendment:

Amend the substitute for House bill No. 26 by striking out line 46 on page 1 of the bill.

Mr. Anderson moved the previous question on the pending amendments and the bill, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

(Pending consideration of the amendment, Mr. Satterwhite occupied the chair temporarily.)

(Speaker in the chair.)

At 5 o'clock p. m., Mr. Keller moved that the Committee rise, report progress and ask leave of the House to sit again at 9:30 o'clock a. m. tomorrow.

The motion prevailed by the following vote:

Yeas—70.

Albritton.  
Beck.  
Bounds.  
Brooks.  
Caven.

Claunch.  
Coltrin.  
Cox of Lamar.  
Cunningham.  
Donnell.

Dowell.	Moffett.
Dwyer.	Morse.
Englehard.	Munson.
Finn.	Murphy.
Forbes.	Nicholson.
Ford.	Olsen.
Graves.	O'Quinn.
Grogan.	Petsch.
Hatchitt.	Ramsey.
Hefley.	Ray.
Hill.	Reader.
Hines.	Richardson.
Holder.	Rountree.
Holloway.	Sanders.
Howsley.	Savage.
Hubbard.	Scott.
Hughes.	Shelton.
Johnson	Sparkman.
of Dimmit.	Steward.
Johnson of Morris.	Strong.
Jones of Shelby.	Sullivant.
Jones of Atascosa.	Turner.
Justiss.	Van Zandt.
Keller.	Vaughan.
Laird.	Wagstaff.
Lee.	Walker.
Leonard.	West of Coryell.
McCombs.	West of Cameron.
McDougald.	Westbrook.
Mehl.	Wyatt.
Metcalfe.	

## Nays—60.

Adams of Jasper.	Hardy.
Adamson.	Harman.
Akin.	Harrison
Alsup.	of El Paso.
Anderson.	Harrison
Baker.	of Waller.
Barron.	Holland.
Bedford.	Hoskins.
Bond.	Jackson.
Boyd.	Johnson
Brice.	of Dallam.
Bryant.	Kennedy.
Burns of Walker.	Lasseter.
Burns	Lemens.
of McCulloch.	Lockhart.
Carpenter.	Long.
Cox of Limestone.	McGill.
Dale.	McGregor.
Daniel.	Magee.
Dodd.	Rogers.
Dunlap.	Satterwhite.
Duvall.	Smith of Wood.
Elliott.	Stephens.
Farmer.	Tarwater.
Farrar.	Terrell
Ferguson.	of Cherokee.
Fisher.	Towery.
Fuchs.	Veatch.
Gilbert.	Warwick.
Giles.	Weinert.
Goodman.	Wiggs.
Greathouse.	Young.
Hanson.	

## Absent.

Adams of Harris.	Patterson.
Adkins.	Pope.
Davis.	Ratliff.
DeWolfe.	Sherrill.
Herzik.	Smith of Bastrop.
Kayton.	Stevenson.
Lilley.	Terrell
Martin.	of Val Verde.
Mathis.	

## Absent—Excused.

Bradley.	Moore.
Coombes.	

(Signed) FRED H. MINOR,  
Chairman of the Committee of the  
Whole House.

## MESSAGES FROM THE GOVERNOR.

Mr. Pat Dougherty, Secretary to the Governor, appeared at the bar of the House and, being duly announced, presented the following messages from the Governor, which were read to the House, as follows:

## Executive Office,

Austin, Texas, August 6, 1931.

To the Members of the Forty-second Legislature:

By reason of a recent decision of the Supreme Court of Texas, on a case involving the question of free tuition of pupils in common and independent school districts, I understand thousands of boys and girls in Texas no doubt will be deprived of free tuition and schooling for the coming school year.

The attached proposed measure has been drawn with the purpose of correcting the situation, and I have been urged by many of our citizens to submit it to you for immediate attention.

Realizing the emergency which exists, and feeling that each and every boy and girl within the scholastic ages should be privileged to attend our public free schools, I hereby submit the attached proposed measure and the subject therein contained for your consideration.

Respectfully submitted,  
R. S. STERLING,  
Governor.

## Executive Office,

Austin, Texas, August 6, 1931.

To the Members of the Forty-second Legislature:

By reason of the scores of cases now pending in the district courts of

Travis county, Texas, in which the State of Texas is a party, and by reason of the fact that our present local district courts are wholly unable to reach and dispose of these cases, I feel that Travis county is in urgent need of an additional district court.

In order to meet the emergencies existing in Travis county, I hereby submit to the Legislature as an emergency matter the subject of the creation of an additional district court in and for Travis county, and hand you herewith a suggested measure which has been drawn and presented to me with the request that I submit it to your body for your action.

Respectfully submitted,  
R. S. STERLING,  
Governor.

Executive Office,  
Austin, Texas, August 6, 1931.

To the Members of the Forty-second Legislature:

I hand you herewith a suggested measure amending Article 2253, Chapter 12, Title 42, of the Revised Civil Statutes of Texas of 1925.

I understand that confusion now exists under the present law and that the attached bill, if passed, will remedy the situation.

Feeling that an emergency exists in this regard, I hereby submit for your consideration the attached bill and the subject therein mentioned.

Respectfully submitted,  
R. S. STERLING,  
Governor.

Executive Office,  
Austin, Texas, August 6, 1931.

To the Members of the Forty-second Legislature:

Owing to the vast amount of litigation created and pending in Gregg county, Texas, by reason of the oil field development, I feel that this county is in urgent need of an additional district court, at least temporarily.

In order to meet the emergencies existing in Gregg county, I hereby submit to the Legislature as an emergency matter the subject of the creation of a temporary district court in and for Gregg county, and hand you herewith a suggested measure which has been drawn and presented to me with the request that I submit it to your body for your action.

Respectfully submitted,  
R. S. STERLING,  
Governor.

## MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, August 6, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 12, A bill to be entitled "An Act conserving and protecting, for the use of the public, buffaloes in Texas, making it unlawful for any person to kill, sell or transport the same, except under certain conditions, and providing for a method of condemning the same by a State Game, Fish and Oyster Commission, in order that buffaloes may be conserved and protected against destruction, providing the procedure therefor, and declaring an emergency."

The Senate has adopted  
S. C. R. No. 8, Relating to withdrawing of all mineral deposits, other than oil and gas, in University lands.

Respectfully,  
BOB BARKER,  
Secretary of the Senate.

## MOTIONS FOR SPECIAL ORDER.

Mr. Keller moved that House bill No. 13 be set as a special order for 9 o'clock a. m. tomorrow.

Mr. Hardy moved that House bill No. 13 be set as a special order for 2 o'clock p. m. tomorrow.

Question first recurring on the motion by Mr. Hardy, it was lost by the following vote, not receiving the necessary two-thirds votes:

Yeas—72.

Akin.	Farrar.
Albritton.	Fisher.
Barron.	Fuchs.
Bounds.	Gilbert.
Brice.	Giles.
Brooks.	Goodman.
Bryant.	Hanson.
Burns of Walker.	Hardy.
Burns	Harman.
of McCulloch.	Harrison
Coltrin.	of Waller.
Cox of Lamar.	Hatchitt.
Cox of Limestone.	Hefley.
Dale.	Herzik.
DeWolfe.	Hill.
Dodd.	Hines.
Donnell.	Holder.
Dowell.	Holland.
Elliott.	Hoskins.
Engelhard.	Howsley.

Hubbard.	Murphy.
Hughes.	Olsen.
Jackson.	Rogers.
Johnson	Satterwhite.
of Dallam.	Smith of Wood.
Jones of Shelby.	Sparkman.
Jones of Atascosa.	Steward.
Justiss.	Tarwater.
Laird.	Van Zandt.
Lemens.	Vaughan.
Lockhart.	Veatch.
McCombs.	Wagstaff.
McDougald.	Warwick.
McGregor.	Weinert.
Magee.	West of Coryell.
Mehl.	Wyatt.
Metcalf.	Young.
Moffett.	

## Nays—39.

Adams of Jasper.	Kennedy.
Adamson.	Lee.
Adkins.	Long.
Alsup.	McGill.
Baker.	Morse.
Beck.	Munson.
Bond.	Patterson.
Boyd.	Petsch.
Carpenter.	Ramsey.
Claunch.	Ray.
Cunningham.	Rountree.
Farmer.	Sanders.
Ferguson.	Scott.
Forbes.	Stephens.
Ford.	Strong.
Graves.	Terrell
Grogan.	of Cherokee.
Johnson	Turner.
of Dimmit.	Walker.
Johnson of Morris.	Wiggs.
Keller.	

## Present—Not Voting.

Duvall.

## Absent.

Adams of Harris.	Mathis.
Anderson.	Nicholson.
Bedford.	O'Quinn.
Caven.	Pope.
Daniel.	Ratliff.
Davis.	Reader.
Dunlap.	Richardson.
Dwyer.	Savage.
Finn.	Shelton.
Greathouse.	Sherrill.
Harrison	Smith of Bastrop.
of El Paso.	Stevenson.
Holloway.	Sullivant.
Kayton.	Terrell
Lasseter.	of Val Verde.
Leonard.	Towery.
Lilley.	West of Cameron.
Martin.	Westbrook.

## Absent—Excused.

Bradley.	Moore.
Coombes.	

Question next recurring on the motion by Mr. Keller, it was lost by the following vote:

## Yeas—53.

Albritton.	Jones of Shelby.
Beck.	Justiss.
Bounds.	Keller.
Bryant.	Lee.
Burns	Leonard.
of McCulloch.	McDougald.
Carpenter.	Magee.
Cox of Limestone.	Metcalf.
Dale.	Morse.
Dodd.	Munson.
Donnell.	Murphy.
Dowell.	Nicholson.
Dwyer.	Olsen.
Englehard.	Patterson.
Forbes.	Petsch.
Ford.	Ramsey.
Fuchs.	Ray.
Greathouse.	Satterwhite.
Hanson.	Savage.
Hatchitt.	Smith of Wood.
Herzik.	Steward.
Hoskins.	Sullivant.
Howsley.	Van Zandt.
Hughes.	Wagstaff.
Johnson	Walker.
of Dallam.	Weinert.
Johnson	West of Coryell.
of Dimmit.	Young.

## Nays—62.

Adams of Jasper.	Harrison of Waller.
Adamson.	Hefley.
Adkins.	Hill.
Akin.	Hines.
Alsup.	Holland.
Baker.	Holloway.
Bond.	Hubbard.
Boyd.	Jackson.
Brice.	Johnson of Morris.
Brooks.	Jones of Atascosa.
Burns of Walker.	Kennedy.
Caven.	Lemens.
Claunch.	Lockhart.
Coltrin.	Long.
Cox of Lamar.	McCombs.
Cunningham.	McGill.
Daniel.	McGregor.
Duvall.	Mehl.
Elliott.	Moffett.
Farmer.	Rogers.
Farrar.	Rountree.
Ferguson.	Scott.
Fisher.	Sparkman.
Gilbert.	Stephens.
Giles.	Strong.
Goodman.	Tarwater.
Graves.	Terrell
Grogan.	of Cherokee.
Hardy.	Turner.
Harman.	Vaughan.

West of Cameron. Wyatt.  
Wiggs.

Absent.

Adams of Harris.	O'Quinn.
Anderson.	Pope.
Barron.	Ratliff.
Bedford.	Reader.
Davis.	Richardson.
DeWolfe.	Sanders.
Dunlap.	Shelton.
Finn.	Sherrill.
Harrison	Smith of Bastrop.
of El Paso.	Stevenson.
Holder.	Terrell
Kayton.	of Val Verde.
Laird.	Towery.
Lasseter.	Veatch.
Lilley.	Warwick.
Martin.	Westbrook.
Mathis.	

Absent—Excused.

Bradley.	Moore.
Coombes.	

Mr. Brooks moved that House bill No. 31 be set as a special order for 9 o'clock a. m. tomorrow.

The motion was lost by the following vote, not receiving the necessary two-thirds votes:

Yeas—68.

Adkins.	Harman.
Akin.	Harrison
Baker.	of Waller.
Barron.	Hefley.
Bond.	Herzik.
Bounds.	Hines.
Boyd.	Holder.
Brice.	Holloway.
Brooks.	Hoskins.
Bryant.	Jackson.
Burns of Walker.	Justiss.
Carpenter.	Kennedy.
Coltrin.	Laird.
Cox of Lamar.	Leonard.
Cox of Limestone.	Long.
Cunningham.	McGregor.
Dale.	Metcalf.
DeWolfe.	Moffett.
Dodd.	Ramsey.
Donnell.	Ray.
Duvall.	Rogers.
Engelhard.	Satterwhite.
Farmer.	Scott.
Farrar.	Sherrill.
Ferguson.	Smith of Wood.
Finn.	Sparkman.
Fuchs.	Stephens.
Gilbert.	Terrell
Giles.	of Cherokee.
Graves.	Turner.
Greathouse.	Vaughan.
Hardy.	Veatch.

Walker.	Wiggs.
Weinert.	Wyatt.
West of Coryell.	Young.

Nays—49.

Adams of Jasper.	Johnson of Morris.
Adamson.	Jones of Shelby.
Albritton.	Jones of Atascosa.
Alsup.	Keller.
Beck.	Lee.
Burns	Lemens.
of McCulloch.	Lockhart.
Caven.	McCombs.
Claunch.	McDougald.
Daniel.	McGill.
Dowell.	Magee.
Dwyer.	Mehl.
Elliott.	Morse.
Fisher.	Munson.
Forbes.	Olsen.
Goodman.	Petsch.
Grogan.	Reader.
Hatchitt.	Rountree.
Hill.	Savage.
Holland.	Steward.
Howsley.	Sullivan.
Hubbard.	Tarwater.
Hughes.	Van Zandt.
Johnson	Wagstaff.
of Dallam.	Warwick.
Johnson	
of Dimmit.	

Absent.

Adams of Harris.	O'Quinn.
Anderson.	Patterson.
Bedford.	Pope.
Davis.	Ratliff.
Dunlap.	Richardson.
Ford.	Sanders.
Hanson.	Shelton.
Harrison	Smith of Bastrop.
of El Paso.	Stevenson.
Kayton.	Strong.
Lasseter.	Terrell
Lilley.	of Val Verde.
Martin.	Towery.
Mathis.	West of Cameron.
Murphy.	Westbrook.
Nicholson.	

Absent—Excused.

Bradley.	Moore.
Coombes.	

#### SENATE BILL ON FIRST READING.

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate bill No. 12, to the Committee on Game and Fisheries.

## RECESS.

On motion of Mr. Hardy, the House, at 5:30 o'clock p. m., took recess to 9 o'clock a. m. tomorrow.

## APPENDIX.

## STANDING COMMITTEE REPORTS.

The following committee filed favorable reports on bills, as follows:

Revenue and Taxation: House bills Nos. 47 and 48.

The Committee on Revenue and Taxation filed an adverse report, with a minority favorable report, on House bill No. 39.

The Committee on Revenue and Taxation filed an adverse report, with a minority favorable report, on House bill No. 38.

The Committee on Conservation and Reclamation filed an adverse report on House bill No. 18.

## REPORTS OF THE COMMITTEE ON ENGROSSED BILLS.

Committee Room,

Austin, Texas, August 6, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 19, A bill to be entitled "An Act to amend Chapter 36 of the Acts of the Fifth Called Session of the Forty-first Legislature of Texas, by adding thereto Sections 6a and 8a, 8b, 8c, 8d, 8e, 8f, 8g, 8h, 8i, 8j, 8k, 8l, 8m, 8n and 8o, requiring that monthly pipe line statements shall contain data separately as to crude oil and each refined product; by defining common purchasers of gas and making the provisions hereof and of said act applicable to them; requiring the Railroad Commission of Texas to make rules and regulations to the enforcement of said act and hereof; providing a basis for pipe line rates, and requiring said Commission to fix and enforce such rates; providing for notice, hearing and proceedings for review of all orders issued by the Commission hereunder, and for injunctions and other legal proceedings; providing for penalties and their recovery; appropriating funds for the enforcement hereof; declaring each part hereof independent of every

other part so that partial invalidity shall not affect valid parts, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,

Austin, Texas, August 6, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 25, A bill to be entitled "An Act further prescribing the powers and duties of the Railroad Commission of Texas; further defining and prohibiting waste of oil and gas; amending Article 6014, Revised Civil Statutes of Texas, as amended by Chapter 313, Acts of 1929, Forty-first Legislature of the State of Texas; further defining physical waste of oil and gas, both underground and surface; amending Article 6008, Revised Civil Statutes of 1925, of the State of Texas, requiring gas from gas wells to be confined under the circumstances and conditions therein stated; providing that said Commission shall inquire into the production, storage or transportation of oil and gas and shall prohibit the waste thereof; providing for notice and hearing and for the making of rules, regulations and orders to prevent waste; authorizing the regulation or adjustment of the production of oil and gas from wells or pools, in order to prevent waste; authorizing the distribution, proration and allocation of such production or adjustment; prohibiting the transportation of oil in excess of the amount of such allowable production and authorizing double damages therefor; providing for the ratable taking of oil from pools or wells under conditions therein stated so as to prevent the inequitable or unfair taking from a common source of supply; providing for the extension of pipe lines under conditions herein set forth and the equitable taking of oil by a common purchaser or common carrier; giving refineries located in the State prior rights to allocation of oil from any pool before making allocation to purchasers of oil to be transported out of the State; providing court procedure for hearings before the Commission and for appeals from the orders, rules and regulations of said Commission; providing for injunctions and appeals from said orders and the

penalties for violating same; authorizing the Commission to enjoin violations of its rules, regulations and orders; providing for receiverships under certain conditions herein set forth for violation of the Commission's orders; providing that this act shall be cumulative of all laws not inconsistent herewith relative to crude petroleum oil and natural gas; providing that if any part of this act be held unconstitutional, such holding shall not affect the remainder of this act, and declaring an emergency."

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

### THIRTEENTH DAY.

(Continued.)

(Friday, August 7, 1931.)

The House met at 9:30 o'clock a. m., and was called to order by Speaker Minor.

### HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Morse and Mr. McCombs:

H. B. No. 54, A bill to be entitled "An Act to apportion the State of Texas into Representative Districts, to fix the number of Representatives thereof; to repeal all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Congressional Districts.

By Mr. Metcalfe, Mr. Johnson of Dimmit, Mr. Finn, Mr. Mathis, and Mr. Murphy:

H. B. No. 55, A bill to be entitled "An Act to apportion the State of Texas into congressional districts, naming the counties composing the same, and providing for the election of a member of the Congress of the United States from each district; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Congressional Redistricting.

By Mr. Coombes and Mr. Savage:

H. B. No. 56, A bill to be entitled

"An Act to apportion the State of Texas into Representative districts; to fix the number of Representatives thereof; to repeal all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Congressional Redistricting.

By Mr. Laird:

H. B. No. 57, A bill to be entitled "An Act to conserve the wild deer of Tyler county by making it lawful to hunt wild deer with one dog in the county of Tyler, Texas, during the open season of each year for a period of five years, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Keller and Mr. McCombs:

H. B. No. 58, A bill to be entitled "An Act amending Article 4553 of Chapter 10, commonly known and designated as the Optometry Bill, so as to provide for a State Board of Examiners in Optometry composed of six members and providing their necessary qualifications, and amending Article 4554 of said chapter so as to provide the terms of office of said members of said board and to repeal all laws in conflict therewith, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Richardson:

H. B. No. 59, A bill to be entitled "An Act providing for the termination of all mineral lease contracts in Texas at the expiration of five years between land owners and persons, firms and corporations, for the purpose of extracting any of the minerals that may be stored under the surface of the soil in this State, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Morse:

H. B. No. 60, A bill to be entitled "An Act to amend House bill No. 312, known as the Bond and Warrant Law of 1931, passed by the Forty-second Legislature at the Regular Session thereof by adding thereto a new section to be designated as Section 11a, providing that nothing contained in said act shall be construed as requiring any city to give any notice as a condition precedent to issuing warrants payable out of current funds of